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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,997	08/27/2001	Eckart Frankenberger	A-2865	3712

7590

09/09/2003

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EXAMINER

HENCE EVANS, ANDREA

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,997

Applicant(s)

FRANKENBERGER ET AL.

Examiner

Andrea H Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION-FINAL REJECTION

Drawings

1. The drawing correction was received on 6/25/03. These drawings are approved. The previous drawing objection is now withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-3, 5, 6, 8, 9-11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Simeth (3,858,512).

Referring to claim 1, Simeth teaches a device (15) for adjusting a register element in a printing machine, comprising: a guide (30); an upper clamping rail (25) and a register element (28) fixed to said upper clamping rail, wherein said upper clamping rail is movably disposed in said guide and fixable in position for adjusting said register element (Column 2, lines 43-59); and a clamping element (20) co-operating with said upper clamping rail; said upper clamping rail being movable relative to said clamping element (Column 2, lines 43-59 and Column 5, lines 12-20).

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Referring to claim 2, Simeth teaches the device wherein said guide (30) is a sliding guide, and the position of said upper clamping rail (25) is adjustable with an adjusting device (40) in a sliding direction corresponding to an adjustment direction of said register element (28) .

Referring to claim 3, Simeth teaches the device, which comprises an adjusting device (40) including at least one mechanical adjusting element (41,42,43,44) for generating an adjusting force acting on said upper clamping rail.

Referring to claim 5, Simeth teaches the device which comprises clamping means (26) for fixing the position of said upper clamping rail.

Referring to claim 6, Simeth teaches the device which comprises tensioning means (Column 2, lines 38-40) for fixing the position of said upper clamping rail.

Referring to claim 8, Simeth teaches a rail formed of a plurality of part segments movable disposed relative to one another and each containing at least one register element (See Figure 4).

Referring to claim 9, Simeth teaches a method of adjusting at least one register element (28) in a printing machine, which comprises providing an upper clamping rail (25) having fixed thereto the register element, and moving the upper clamping rail in a guide (30) relative to a cooperating clamping element (20) and fixing the upper clamping rail in position in order to adjust the register element.

Referring to claim 10, Simeth teaches the method which comprises adjusting a position of the upper clamping rail (25) in a sliding guide (30) by way of an adjusting device (40) in an adjustment direction of the register element (28).

Referring to claim 11, Simeth teaches the method, which comprises mechanically (40) generating an adjusting force acting on the upper clamping rail.

Referring to claim 15, Simeth teaches the method which comprises providing the rail as a plurality of part segments each having at least one register element and moving and fixing in position the part segments independently of one another (See Figure 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4, 7, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simeth (3,858,512) in view of Simeth (Re. 35,647).

Referring to claim 4, Simeth (3,858,512) teaches all that is claimed in the above rejections except Simeth does not teach an adjusting device having at least one electrical adjustment element. Simeth ('647) teaches the device which comprises an adjusting device (25) having at least one electrical adjusting element (28) for generating an adjusting force acting on said upper clamping rail. It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify Simeth whereby the adjusting device has an electrical adjusting element to allow motor operated adjustment of the rail as taught in Simeth ('647).

Referring to claim 7, Simeth (3,858,512) teaches all that is claimed in the above rejections except a central control unit operatively connected to said upper clamping rail. Simeth ('647) teaches the device comprising a central control unit operatively connected to said upper clamping rail. (Column 3, lines 46-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Simeth to include a central control unit so that a machine operator can establish actual positions of the slide rail at any time.

Referring to claim 12, Simeth ('512) teaches all that is claimed in the above rejections except it does not teach the method, which comprises electrically generating an adjusting force acting on the upper clamping rail. Simeth ('647) teaches the method comprising electrically (28) generating an adjusting force acting on the upper clamping rail. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Simeth to include an electrically generating an adjusting force acting on the upper clamping rail to allow motor operated adjustment of the rail as taught in Simeth ('647).

Referring to claim 14, Simeth ('512) teaches all that is claimed in the above rejections, except it does not teach the method which comprises moving and positionally fixing the upper clamping rail in the guide in an automated manner. Simeth ('647) teaches the method comprising moving and positionally fixing the upper clamping rail in the guide in an automated manner (See Column 3, lines 45-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Simeth to include the method comprising moving and positionally fixing the upper clamping rail in the guide in an automated manner such

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that can establish actual positions of the slide rail at any time by motor operated adjustment as taught by Simeth ('647).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simeth (3,858,512) in view of Evans (3,634,819).

Referring to claim 13, Simeth teaches the method which comprises fixing the upper clamping rail (25) in position at a point and, at defined adjustment regions, wherein the register element (28) is guided in an adjustment direction, and firmly clamping the upper clamping rail in a stable position. (Column 3, lines 5-10). Simeth does not teach that the register element is elastically deformable. Evans teaches a pin (10) that is elastically deformable (See Figure 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Simeth such that the register element is elastically deformable as the pin referenced in Evans to aid in the mating action with nonresilient receptacle and to improve mechanical retention with the pin's receptacle as taught by Evans.

EXAMINER COMMENTS

8. Claims 1-15 remain rejected. Applicant's arguments filed 6/25/03 have been fully considered but they are not persuasive. Referring to claims 1 and 9, Applicant broadly uses the terms "movable" and "moving" without defining which direction or how the clamping rail is moved. Simeth ('512) teaches that the upper clamping rail is movable relative to the clamping element (Column 2, lines 43-59 and Column 5, lines 12-20) since the upper clamping rail can be detached.

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Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

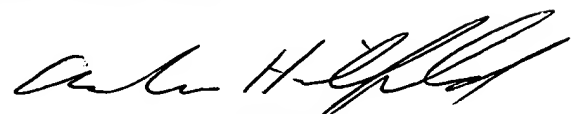
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H Evans whose telephone number is (703) 305-8427. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Andrea Hence Evans

AHE


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